Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

J B Architectural Design Services
44 Northorpe Road
Donington
Spalding
PE11 4XU

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-0941-22 **Date of Decision:** 23rd November 2022

Applicant: Fulney Sand & Gravel
C/O Jb Architectural Design Services
44 Northorpe Road
Donington
Spalding
PE11 4XU

Location: 11 Kellet Gate Spalding

Description: Change of use from former caravan site land to aggregate supply business - retrospective

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

1 The development hereby permitted shall be maintained in accordance with the following approved plans:
Application Form
116-02-LBP01
Supporting Information received 26/09/2022

Reason: For the avoidance of doubt and in the interests of proper planning.

2 Unless non-material variations are submitted to and agreed in writing by the Local Planning Authority, the development shall consist of no more than 0.4 hectares of an aggregate supply business and for no other use within use class Sui Generis of the Town and Country Planning (Use Classes Order) 1987 (as amended).

Reason: In the interests of external appearance and amenity.
This condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

3 No machinery shall be operated, no processes shall be carried out, no deliveries shall be taken at or dispatched from the site and no sales to the public or to trade shall take place outside the hours of 7am - 5pm Monday to Friday and 7.30am to 12.30pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of local residents and users.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

4 No more than 8 shipping containers shall be on site at any one time in accordance with the plan reference: 116-02-LBP01.

Reason: In the interests of the appearance of the development and the visual amenity of the area in which it is set.
This condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5 There shall be no external storage or stacking of materials above a height of 3 metres on the site unless non-material variations are submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6 Within 6 months of the date of this permission hereby granted, full details of the disposal of surface water, including details of the soakaway system and percolation test results for the disposal of surface water, shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be maintained thereafter. Should the percolation test results be considered unacceptable by the Local Planning Authority, details of an alternative means of providing for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and maintained in accordance with the approved details thereafter.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

7 Within 6 months of the date of this permission hereby granted, full details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be maintained in accordance with the approved details thereafter.

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

DC_FINAL_DECISION - ODB:14

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

Your attention is drawn to the consultation response letter from South Holland Internal Drainage Board dated 28/10/22. You are advised of the need to comply with the requirements of the Drainage Board, which are covered by their own Bye-laws. You are further advised that any future amendments to this application and/or compliance with Conditions must also respect those Bye-laws. Please contact the Drainage Board directly for further information.



Phil Norman
Head of Planning
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the

Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.